

Attorney Docket:  
920537-905604

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DATE: September 12, 2003

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 4

TO: HONORABLE DIRECTOR OF PATENTS AND TRADEMARKS

EXAMINER: Hanh Phan

GROUP ART UNIT: 2633

ATTN Examiner

MAIL STOP Responses No Fee

Attached: Response to office action of August 12, 2003

If you do not receive all pages, please contact William M. Lee, Jr. at (312) 214-4800 or his assistant, Jennifer Ramirez at (312) 214-4829.

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920537-905804

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

IN RE APPLICATION OF: : ANSLOW et al  
SERIAL NO: : 09/888,558  
FILED: : OCTOBER 16, 2000  
FOR: : Method And Apparatus For Rapidly  
Measuring Optical Transmission  
Characteristics In Photonic Networks  
EXAMINER: : PHAN, HANH  
GROUP ART UNIT: : 2633

I hereby certify that this correspondence is being transmitted to the above -  
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872-6314 on September 12, 2003  
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RESPONSE

Honorable Director of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

This paper responds to the Office Action mailed August 12 2003, with reference to  
the above identified application.

Applicant provisionally elects, with traverse, prosecution of Species A as defined by  
the Examiner, but the requirement is believed to be in error, as explained below.  
Reconsideration is requested.

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**Species A relates to an optical network node for use in a network, and which has an apparatus for determining an error ratio of individual channels. The claims clearly readable onto this specie are:**

**Claims 1 – 3 (the apparatus for determining an error ratio and which is part of the node)**

**Claims 4 – 8 (the method of determining the error ratio used by the node)**

**Claims 9 –13 and 18 (the network using the node)**

**Claims 14 – 17 (the node itself)**

**The Examiner indicates that there are no generic claims to both species. It is submitted that all claims are generic to both species.**

**As set out on page 10 line 7, "Figure 7 shows the error measurement circuitry used in the apparatus 68". Apparatus 68 is part of the node shown in Figure 6. Thus, Figure 7 is a more detailed diagram of one component of the device shown in Figure 6.**

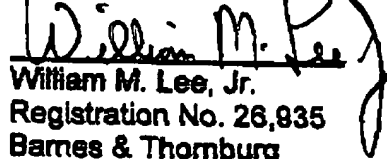
**Thus, applicants submit that Claims 19 – 25 are also readable onto Species A, as these claims define the preferred implementation of block 68 of Figure 6 and the method implemented by block 68. Thus, these claims define in more detail the preferred implementation of one component of the node of Species A and one preferred operation method of that component.**

In view of the above arguments, it is hereby submitted that election is not appropriate.

Further consideration of the application is now awaited.

September 12, 2003

Respectfully submitted,

  
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